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In conclusion, Ameritech Michigan has offered and is presently providing interconnection and collocation to Brooks, MFS, and TCG, albeit apparently pursuant to tariff rather than approved interconnection agreements. Sections 251(c)(2) and 252(d)(1) were only applied to the interconnection provisions in the AT&T agreement. However, these arbitrated terms and prices are either the same as are included in these sections of the Brooks, MFS, and TCG agreements or may be available to these providers through the MFN clauses of their agreements.

**B. Checklist Item (ii)**

**Nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1).**

In its Rules issued on August 8, 1996, the FCC delineated seven unbundled network elements that must be provided in order to comply with Section 251(c)(3) of the Act.<sup>37</sup> Five of these items are specifically delineated as checklist items: local loop (item iv), switching capability (item vi), interoffice transmission facilities (item v), signaling networks and call-related databases (item x), and operator services and directory assistance (item vii). The availability of these five items, as well as the pricing of these items in compliance with Section 252(d)(1) requirements, will each be addressed separately below with the applicable checklist item. The remaining two unbundled network elements that must be provided under

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<sup>37</sup>47 C.F.R. 51.319.

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the FCC's Rules are the network interface device (NID) and operations support systems (OSS) functions that will be addressed at this time.

The NID is "a cross-connect device used to connect loop facilities to inside wiring."<sup>38</sup> Only AT&T's interconnection agreement specifically provides for a NID and the price in that agreement is set at \$0. Ameritech Michigan represents it is already providing a NID to Brooks and MFS. No comments to the contrary were received by the MPSC from those providers on this issue. Therefore, it appears that Ameritech Michigan has satisfied the NID portion of this checklist item.

OSS functions "consist of pre-ordering, ordering, provisioning, maintenance and repair, and billing functions supported by an incumbent LEC's databases and information."<sup>39</sup> In its Rules, the FCC also required "an incumbent LEC that does not currently comply with this requirement shall do so as expeditiously as possible, but, in any event, no later than January 1, 1997."<sup>40</sup> Ameritech Michigan commits that it will provide access to these OSS functions "via electronic interfaces on or before January 1, 1997 where Ameritech Michigan customer contact personnel use electronic interfaces and manual interfaces where they do not."<sup>41</sup>

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<sup>38</sup>47 C.F.R. 51.319(b)(1).

<sup>39</sup>47 C.F.R. 51.319(f)(1).

<sup>40</sup>47 C.F.R. 51.319(f)(2).

<sup>41</sup>Ameritech Michigan's December 16, 1996 Submission of Information in Case No. U-11104, Affidavit of Gregory J. Dunny, p. 31.

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In its December 16, 1996 filing with the MPSC, Ameritech Michigan references at several places the fact that required interfaces would be provided "on or before January 1, 1997,"<sup>42</sup> and that the "OSS functions are currently being upgraded to meet the FCC's January 1, 1997 deadline."<sup>43</sup> Ameritech Michigan's Section 271 Application was filed with the FCC on January 2, 1997, the day after these interfaces were to become completely operational.

In documents filed with the MPSC, AT&T contests Ameritech Michigan's readiness to provide the required OSS functions.<sup>44</sup> AT&T contends that Ameritech Michigan's interface specifications are still being revised, that certain OSS interfaces deployed by Ameritech Michigan have never been tested, and that the testing of other OSS interfaces has produced unsatisfactory results. However, Ameritech Michigan does not contend that its OSS interfaces with AT&T are as yet operational because AT&T by virtue of its contract does not propose to interconnect with Ameritech Michigan until the second quarter of 1998.

Ameritech Michigan does contend that its OSS functions and interfaces are operational between itself and Brooks, MFS, and TCG. Brooks, MFS, and TCG contest the readiness of

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<sup>42</sup>Gregory Dunny's Affidavit, December 16, 1996, in Case No. U-11104, p. 31.

<sup>43</sup>Gregory Dunny's Affidavit, December 16, 1996 in Case No. U-11104, p. 32.

<sup>44</sup>AT&T's January 9, 1997 Reply Comments in Case No. U-11104, Affidavits of C. Michael Pfau and Timothy M. Connolly.

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Ameritech Michigan's OSS functions and interfaces.<sup>45</sup> Ameritech Michigan replied to the Brooks submissions and to TCG's and MFS's statements on January 15, 16, and 31, 1997 in Michigan's Case No. U-11104. Ameritech Michigan contends that it presently offers OSS functions to Brooks and MFS, two of the competitors with whom Ameritech Michigan has established interconnection.

Recently, the FCC declined to extend the January 1, 1997 implementation date for provisioning of OSS functions.<sup>46</sup> In that decision, though, the FCC said as follows:

Although the requirement to provide nondiscriminatory access to network elements and services for resale includes an obligation to provide access to OSS functions no later than January 1, 1997, we do not anticipate initiating enforcement action against incumbent LECs that are making good faith efforts to provide such access within a reasonable period of time, pursuant to an implementation schedule approved by the relevant state commission. We do not, however, preclude initiating enforcement action where circumstances warrant. We further note that providing access to OSS functions is a critical requirement for complying with section 251, and incumbent LECs that do not provide access to OSS functions, in accordance with the *First Report and Order*, are not in full compliance with section 251.<sup>47</sup>

The MPSC also agrees with the FCC that "access to OSS functions is necessary for meaningful competition, and that failing to provide such access would impair the ability of

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<sup>45</sup>Brooks January 6, 1997 and January 17, 1997 submissions, TCG's January 9, 1997 Affidavit of Michael Pelletier, and MFS's January 14, 1997 letter in Case No. U-11104.

<sup>46</sup>Second Order on Reconsideration in CC Docket No. 96-98, released December 13, 1996.

<sup>47</sup>FCC's December 13, 1996 Order in CC Docket No. 96-98, ¶11.

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requesting telecommunications carriers to provide competitive service."<sup>48</sup> No formal complaints have been filed on this issue with the MPSC. Although the FCC indicated that it does not intend to initiate compliance actions where good faith efforts have been demonstrated, it is unclear whether it is also the intent of the FCC that this good faith effort will suffice for checklist compliance as well. It appears that Ameritech Michigan is providing OSS functions that have enabled at least two competitors to provide local exchange telecommunications service in Michigan.

**C. Checklist Item (iii)**

**Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the Bell operating company at just and reasonable rates in accordance with the requirements of section 224.**

Compliance with this checklist item relies on two elements: access to poles, ducts, conduits, and rights-of-way and the price for utilization of poles, ducts, conduits, and rights-of-way.

Access to poles, ducts, conduits, and rights-of-way is addressed in the negotiated interconnection agreements with Brooks and MFS and in the arbitrated interconnection agreements with AT&T and TCG.

The AT&T interconnection agreement presents the most comprehensive approach to the access to poles, ducts, conduits, and rights-of-way issue. The operation of the rights-of-

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<sup>48</sup>FCC's December 13, 1996 Order in CC Docket 96-98, ¶5.

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way sections for MFS, TCG, and Brooks in concert with the MFN clauses permits those competitors and others to use the provisions of the AT&T agreement.

As discussed earlier, a number of alternative interconnection agreements have been filed by AT&T and Ameritech Michigan. AT&T has also filed the affidavit of William G. Lester, in which he claims that the offered access to poles, ducts, conduits, and rights-of-way is not consistent with the requirements of the checklist.<sup>49</sup> Mr. Lester's concerns appear to be somewhat inconsistent with the apparently acceptable language contained in the proposed interconnection agreement submitted by AT&T. In fact, the agreements filed by both parties are identical in the section related to access to poles, ducts, conduits, and rights-of-way. The MPSC therefore concludes there is no dispute pertaining to the process outlined therein.

With respect to the price for access, the State of Michigan, pursuant to the provisions of Section 224(c) of the Act, has jurisdiction over the rates, terms, conditions, and access to poles, ducts, conduits, and rights-of-way due to its actions in the mid-1980s. The methodology prescribed by the Michigan statute<sup>50</sup> is comparable, if not identical, with that in Section 224 of the Act and is consistent with the requirement of the checklist.

Ameritech Michigan has filed tariffs which set the rates, terms, conditions, and access to rights-of-way. These prices have been determined on a corporate basis.

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<sup>49</sup>AT&T's January 9, 1997 submission in Case No. U-11104.

<sup>50</sup>Attachment 9, MCL 484.2361(2).

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The Michigan Cable Telecommunications Association (MCTA) claims that Ameritech Michigan is not in compliance with this checklist item because MCTA calculates a different price than the one set by Ameritech Michigan.<sup>51</sup> The MPSC finds no basis in the Act or Michigan law to find non-compliance with the checklist merely because MCTA believes the price is calculated incorrectly. The MPSC notes MCTA has remedies under Michigan law to deal with these pricing matters. To date, no such action has been initiated.

Ameritech Michigan indicates it is furnishing to competing carriers (including Brooks and MCI) access to approximately 20,000 feet of conduits and ducts and 140 poles in Michigan.<sup>52</sup>

It appears that Ameritech Michigan complies with checklist item (iii).

**D. Checklist Item (iv)**

**Local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.**

It appears that Ameritech Michigan complies with the requirements of this item of the checklist.

Various types of unbundled loops are available in several of the interconnection agreements that Ameritech Michigan uses to support its Section 271 Application. The Brooks agreement includes eight types of loops in two sizes of access areas. MFS's

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<sup>51</sup>MCTA's January 9, 1997 submission in Case No. U-11104, pp. 3-9.

<sup>52</sup>Ameritech Michigan's Section 271 Application, Affidavit of Gregory J. Dunny, p. 33.

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agreement includes the same eight types of loops in all three sizes of access areas. TCG's agreement is the same as MFS's on this issue. AT&T's January 29, 1997 agreement provides for seven types of loops in three access areas.<sup>53</sup> In addition, unbundled loops have been offered in Ameritech Michigan's tariff since a February 1995 order of the MPSC required it, and five types of loops in three access areas are now offered in that tariff as approved by the MPSC in December 1996.

Prices for unbundled loops included in the Brooks, MFS, and TCG agreements were negotiated and therefore the Section 252(d)(1) requirements were not applied by the MPSC in the establishment of prices for unbundled loops included in those three agreements. Section 252(d)(1) requirements were applied to the prices established for unbundled loops in the AT&T arbitrated agreement, which are now the same prices as are included in Ameritech Michigan's tariff. Although unbundled loops may therefore be available to Brooks, MFS, and TCG under the same prices, terms, and conditions as are available in the AT&T arbitrated agreement and in Ameritech Michigan's tariff, this may be the case only if, in compliance with the MFN clauses in the Brooks, MFS, and TCG agreements, the rates, terms, and conditions for all other unbundled elements are desired by these providers as

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<sup>53</sup>Prices for all types of loops are not yet specified in the AT&T/Ameritech Michigan agreement. Prices for some types of loops were not raised as arbitration issues in the Michigan case, so prices were not established for these non-basic loops in the Commission's arbitration decision. The parties may negotiate prices for these items if required and submit the negotiated agreement to the MPSC for approval, or they may bring proposals to the MPSC at a later date for dispute resolution. Attachment 3, p. 11.



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well. That course of action is in doubt because the AT&T and tariffed prices for unbundled loops exceed those in the Brooks, MFS, and TCG agreements.

Ameritech Michigan represents that 16,000 unbundled loops are presently being purchased in Michigan today.<sup>54</sup> Ameritech Michigan also indicates that "over 10,000 unbundled basic analog 2-wire loops to serve both business and residence customers have been sold to requesting telecommunication carriers"<sup>55</sup> and that both Brooks and MFS are presently purchasing unbundled loops from Ameritech Michigan.<sup>56</sup>

In summary, Ameritech Michigan offers and is presently providing unbundled loops to Brooks and MFS. Section 252(d)(1) prices for unbundled basic loops were approved by the MPSC in the AT&T agreement and in tariffs and are available to other providers under certain circumstances through the MFN clauses.

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<sup>54</sup>Ameritech Michigan's Brief in Support of its Section 271 Application, p. 31.

<sup>55</sup>Ameritech Michigan's December 16, 1996 Submission of Information in Case No. U-11104, Attachment B, p. 18.

<sup>56</sup>Ameritech Michigan's December 16, 1996 Submission of Information in Case No. U-11104, Attachment B, p. 19.

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**E. Checklist Item (v)**

**Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.**

It appears that Ameritech Michigan generally complies with the requirements of this item of the checklist. Resolution of the common versus shared transport issue, however, must occur.

Ameritech Michigan represents that Brooks, MFS, and TCG are buying local transport out of Ameritech Michigan's access tariffs and utilizing this service to provision service to their customers and to provide interconnection with Ameritech Michigan to terminate calls. Section 9.3 of the interconnection agreements of each of these providers includes the following language:

Ameritech shall make available to Brooks [or TCG or MFS]  
private lines and special access services in accordance with the terms  
and conditions of and at the rates specified in applicable tariffs.

Although TCG has indicated in a January 9, 1997 filing with the MPSC in Case No. U-11104 that it does not purchase unbundled transport from Ameritech Michigan but purchases transport only out of Ameritech Michigan's tariffs, purchase of private line and special access services out of tariffs appears to comply with the language of TCG's interconnection agreement.

However, the FCC's definition of the unbundled interoffice transmission facilities required to be provided under Section 251 of the Act is more precise and somewhat more

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comprehensive than is included in the Brooks, TCG, and MFS interconnection agreements.

Specifically, FCC Rules include the following definition:

(1) Interoffice transmission facilities are defined as incumbent LEC transmission facilities dedicated to a particular customer or carrier, or shared by more than one customer or carrier, that provide telecommunications between wire centers owned by incumbent LECs or requesting telecommunications carriers, or between switches owned by incumbent LECs or requesting telecommunications carriers.<sup>57</sup>

The AT&T interconnection agreement includes this precise definition of this unbundled network element,<sup>58</sup> although AT&T is not scheduled to interconnect pursuant to this agreement for about a year. The terms, conditions, and prices of this unbundled network element were disputed in the AT&T arbitration case and the MPSC issued its decision in that case in compliance with Section 251 of the Act, FCC Rules, and the costing requirements of Section 252(d)(1) of the Act. The prices established by the MPSC in that arbitrated case were the FCC's interstate access rates for dedicated and switched transport. Therefore, to the extent that interoffice transmission facilities are indeed being provided pursuant to at least the dedicated transport portion of the FCC tariffs (as is the case for Brooks, TCG, and MFS), the MPSC believes that Ameritech Michigan is providing interoffice transmission facilities "dedicated to a particular customer or carrier."

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<sup>57</sup>47 C.F.R. 51.319(d)(1).

<sup>58</sup>See Schedule 9.2.4 of the AT&T/Ameritech Michigan Interconnection Agreement.

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Ameritech Michigan, AT&T, and MCI are presently disputing what other FCC tariffs were required to be offered under the terms of those two arbitration decisions. Related to this dispute is the difference, if any, between shared and common transport in the interoffice transmission facilities that Ameritech Michigan must offer. There is disagreement among these providers as to whether the MPSC has already addressed this issue in its arbitration decision and, if so, how this resolution must be reflected in interconnection agreements. If resolution of the disputes on this issue has occurred prior to the date on which Reply Comments are required in this proceeding, the MPSC will advise the FCC accordingly.

It should finally be noted that although Ameritech Michigan specifies in its filing that it is not required to provide dark fiber in order to comply with the interoffice transmission components of Section 251 of the Act and the FCC's Rules,<sup>59</sup> the MPSC has ruled that dark fiber must indeed be provided as part of the MCI arbitration decision. The MPSC has also found in the AT&T arbitration case that transiting, calling between a competitor and a third party provider that would be delivered by Ameritech Michigan over its trunks, must also be provided under the terms of Section 251 of the Act and FCC Rules interpreting that section. Presumably, Ameritech Michigan will comply with the MPSC orders in this regard and, depending upon the requirements of the MFN clauses of other providers' interconnection

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<sup>59</sup>Ameritech Michigan's December 16, 1996 Submission of Information in Case No. U-11104, Attachment B, p. 25.

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agreements, these offerings may be available to providers other than MCI and AT&T as well.

**F. Checklist Item (vi)**

**Local switching unbundled from transport, local loop transmission, or other services.**

The MPSC believes that Ameritech Michigan complies with the requirements of this item of the checklist.

Unbundled ports are available in the Brooks, MFS, and TCG interconnection agreements at tariffed prices. However, these ports are defined in those interconnection agreements to exclude switch features and switching functionality. Local switching as defined in the FCC's Rules is available pursuant to AT&T's arbitrated interconnection agreement. The local switching prices in the agreement were established pursuant to Section 252(d)(1) of the Act and Michigan law.<sup>60</sup> A number of local switching components are also available in the Ameritech Michigan tariff, including three types of line-side ports (defined as the FCC does to include switch features and switching functionality), trunk side

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<sup>60</sup>It should be noted that the local switching prices included in the AT&T agreement filed with the FCC on January 2, 1997 in support of Ameritech Michigan's Section 271 Application do not correctly conform to the MPSC's arbitration order in this area. Revisions have been made to the pricing list in the January 16, 1997 version of this agreement filed with the FCC on January 17, 1997 that appear to correct at least most of the errors in this area of the agreement. However, questions continue to exist as to whether the pricing schedule, even in the January 29, 1997 AT&T/Ameritech Michigan interconnection agreement, complies with the MPSC's order in regard to the pricing of unbundled ports.

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ports (in Ameritech Michigan's standard DS-1 offering), and other local switching rates as well.

No unbundled port is presently being purchased from Ameritech Michigan. However, the MPSC agrees with Ameritech Michigan's position on this issue that it is unlikely that the intent of the Act was to prevent the Bell operating companies from entering the interLATA market solely because no competitor chooses to purchase a checklist item. Ameritech Michigan offers unbundled ports that comply with the requirements of Sections 251 and 252 of the Act, although no one chooses to purchase them at this time. In addition, there is no evidence on the record in Michigan that a customer has attempted to purchase an unbundled port but was unable to do so. At least for now, the MPSC proposes that if there is a showing that Ameritech Michigan could indeed provide an unbundled port if it were requested to do so, compliance with this checklist item has occurred.

**G. Checklist Item (vii)**

**Nondiscriminatory access to--**

**"(I) 911 and E911 services;**

**"(II) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and**

**"(III) operator call completion services.**

Checklist item (vii)(I) requires Ameritech Michigan to provide nondiscriminatory access to 9-1-1 and Enhanced 9-1-1 services. Related to this provision, the FCC discusses 9-1-1 service in the context of a competitor's access to an incumbent provider's 9-1-1 related

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database.<sup>61</sup> As a result, the provision of 9-1-1 service to competitors applies to both checklist items (vii) and (x).

It appears that Ameritech Michigan complies with the 9-1-1 portion of checklist item (vii) and (x).

Ameritech Michigan claims to be providing 9-1-1 service to its competitors.<sup>62</sup> The competitors listed are Brooks, TCG, MFS, and MCI. In addition, the interconnection agreement between Ameritech Michigan and AT&T covers the provision of 9-1-1 service in Section 3.9. It should also be noted that the provision of 9-1-1 service is inherent with the purchase of bundled local exchange service for resale.

For competitors who are primarily resellers of wholesale services, it should be noted that Ameritech Michigan does not offer 9-1-1 services provided to public safety answering points at wholesale prices. Further, Ameritech Michigan would only provide such services to competitors via its Michigan Tariff 20R, Part 8, Section 3 to "an authorized agent of one or more municipality . . . ."

In addition, Ameritech Michigan no longer offers basic 9-1-1 service to new customers due to technological obsolescence.

With respect to the specific competitors to which Ameritech Michigan provides 9-1-1 service, the following information is available.

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<sup>61</sup>FCC's August 8, 1996 First Report and Order in CC Docket 96-98, ¶470.

<sup>62</sup>Ameritech Michigan's December 16, 1996 Submission of Information in Case No. U-11104, Attachment B, p. 28.

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The interconnection agreement between Ameritech Michigan and TCG, which was arbitrated by the Commission, contains no reference to the provision of 9-1-1 service. In addition, by letter dated November 14, 1996, TCG advised the MPSC that no agreement for the provision of 9-1-1 services exists between Ameritech Michigan and TCG.<sup>63</sup>

On October 24, 1996, the City of Southfield, Michigan, filed a complaint with the MPSC, docketed as Case No. U-11229, concerning difficulties residents of Southfield have experienced with 9-1-1 service where both Ameritech Michigan and TCG provide local service. It is obvious from this complaint, that while in a manner not totally acceptable to the City of Southfield, Ameritech Michigan is providing 9-1-1 service and 9-1-1 database access to TCG.

In the matter of Brooks, Ameritech Michigan has been providing 9-1-1 service and 9-1-1 database access consistent with an order of the MPSC in Case No. U-10647. This order predates both the Act and FCC action related thereto. The interconnection agreement between Ameritech Michigan and Brooks was approved by the MPSC on November 26, 1996 and filed with the MPSC on December 6, 1996. This agreement includes the provision of 9-1-1 service and 9-1-1 related databases.<sup>64</sup>

The interconnection agreement between MFS and Ameritech Michigan approved by the MPSC on December 20, 1996 provides for 9-1-1 services. In its November 12, 1996

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<sup>63</sup>Attachment 4.

<sup>64</sup>See Attachment 1 for a complete copy of this 9-1-1 Agreement.



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filing, Ameritech Michigan indicated that MFS was providing local exchange service as of that date.<sup>65</sup> In addition, Ameritech Michigan indicates it also provides 9-1-1 service to MFS.<sup>66</sup> Because such service appears to predate the approval of its interconnection agreement, the MPSC assumes that provision is offered through some tariff arrangement.

With respect to MCI, the MPSC arbitrated the interconnection agreement and issued its order related thereto on December 20, 1996. To date, the parties still dispute numerous parts of this agreement. As was the case with MFS, MCI's provision of local service predates its interconnection agreement, but must include 9-1-1 service pursuant to its Michigan license. The MPSC again assumes that provision is offered through a tariff arrangement.

Ameritech Michigan indicates it furnishes 9-1-1 access to WinStar.<sup>67</sup> As of November 12, 1996, Ameritech Michigan was uncertain as to the nature or existence of any local service provided by WinStar.<sup>68</sup> In a later submission, Ameritech Michigan did not

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<sup>65</sup>Ameritech Michigan's November 12, 1996 Submission of Information in Case No. U-11104, Attachment A, p. 4.

<sup>66</sup>Ameritech Michigan's Brief in Support of its Section 271 Application, p. 33, and Gregory Dunny Affidavit, p. 42.

<sup>67</sup>Ameritech Michigan's Section 271 Application, Gregory J. Dunny Affidavit, p. 42.

<sup>68</sup>Ameritech Michigan's November 12, 1996 Submission of Information in Case No. U-11104, Attachment A, p. 5.

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mention WinStar as a purchaser of 9-1-1 related services.<sup>69</sup> Unless this service commenced subsequent to December 16, 1996 and prior to January 2, 1997, the MPSC is unaware of the provision of access to 9-1-1 service and 9-1-1 related databases with respect to WinStar.

As of December 16, 1996, Ameritech Michigan advised the MPSC that TCG, MFS, MCI, and Brooks are provided access to 9-1-1 services and related databases in 27 counties. The counties are: Allegan, Barry, Berrien, Calhoun, Cass, Genessee, Ionia, Jackson, Kalamazoo, Kent, Lenawee, Livingston, Macomb, Mecosta, Monroe, Muskegon, Newaygo, Oakland, Oceana, Ottawa, Saginaw, Shiawassee, St. Clair, Tuscola, Van Buren, Washtenaw, and Wayne.<sup>70</sup>

According to its filing in this matter, Ameritech Michigan utilizes twenty-three 9-1-1 trunks for competing carriers.<sup>71</sup>

The FCC Rules require that operator services and directory assistance be offered as unbundled network elements in order for an incumbent local exchange carrier to comply with Section 251(c)(3) of the Act,<sup>72</sup> which in turn is checklist item (ii). These items are also addressed separately herein as checklist item (vii)(II). Directory assistance is defined by the

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<sup>69</sup>Ameritech Michigan's December 16, 1996 Submission of Information in Case No. U-11104, Attachment B, pp. 30-31.

<sup>70</sup>Ameritech Michigan's December 16, 1996 Submission of Information in Case No. U-11104, Attachment B, pp. 30-31.

<sup>71</sup>Ameritech Michigan's Section 271 Application, Affidavit of Gregory J. Dunny, p. 43.

<sup>72</sup>47 C.F.R. 51.319(g).

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FCC to require the availability of any information contained in directory listings. Operator services include any busy line verification, emergency interrupt, and operator-assisted directory assistance services as well as any other automatic or live assistance that permits arrangement for billing or completion of telephone calls.<sup>73</sup>

Ameritech Michigan complies with the directory assistance requirements of the checklist.

Ameritech Michigan specifies that its directory assistance services (DA) have been purchased by Brooks (operator services, toll, and assistance), MFS (regional DA), and MCI Metro (regional DA).<sup>74</sup> Since January 1, 1996, Michigan law has required Ameritech Michigan to establish a rate for providing directory assistance<sup>75</sup> and the rates, terms, and conditions for that service are delineated in Ameritech Michigan's interstate access tariff, which are mirrored for intrastate purposes in Michigan. The operator services provisions of Brooks' interconnection agreement do not appear to include directory assistance services as Ameritech Michigan claims. Directory assistance services, however, appear to be available to Brooks through the MFN clause of its interconnection agreement. The negotiated MFS agreement does specifically provide for directory assistance services. Rates in that agreement were not established pursuant to Section 252 of the Act, but are equal to or lower

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<sup>73</sup>47 C.F.R. 51.5.

<sup>74</sup>Ameritech Michigan's December 16, 1996 Submission of Information in Case No. U-11104, Attachment B, p. 33.

<sup>75</sup>MCL 484.2360, Attachment 9.

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than the tariffed rates for these services adopted by the MPSC in AT&T's arbitrated agreement. The MFS and TCG interconnection agreements do not include directory assistance services in the MFN clauses of their respective interconnection agreements.

AT&T and MCI indicate that this checklist item has not been met because the infeasibility of branding has not been proven.<sup>76</sup> Branding issues were raised in both AT&T's and MCI's arbitration proceedings. The resolution that Ameritech Michigan has provided is in compliance with the MPSC's orders in those cases. Similarly, MCI's comments regarding yellow pages listings and distribution of directories<sup>77</sup> were also addressed and resolved in AT&T's arbitration proceeding. No appeals of that portion of the MPSC order have been made.

Ameritech Michigan provides directory assistance services to MFS pursuant to its interconnection agreement. The maximum rates permitted in that agreement are the tariffed rates adopted by the MPSC in the AT&T arbitration proceedings in compliance with Section 252 of the Act. It appears that Ameritech Michigan complies with the directory assistance checklist requirements.

It also appears that Ameritech Michigan complies with the operator assistance requirements in checklist item (vii)(III) for many of the same reasons discussed above relative to directory assistance.

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<sup>76</sup>AT&T's and MCI's January 9, 1997 Comments in Case No. U-11104, p. 6 and pp. 16-19 respectively.

<sup>77</sup>MCI's January 9, 1997 Comments in Case No. U-11104, pp. 21-22.

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Ameritech Michigan specifies that its operator assistance services have been purchased by Brooks, TCG, and MFS.<sup>78</sup> Ameritech Michigan also indicates that it has 24 operator service trunks from competing carriers' switches in service as of December 31, 1996.<sup>79</sup> TCG's interconnection agreement includes only busy line verification and emergency interrupt services. It does not include provision for other operator assistance services. TCG has indicated that it does not purchase operator assistance services from Ameritech Michigan.<sup>80</sup> Only busy line verification and emergency interrupt services are contained in MFS's interconnection agreement as well. Operator assistance services are not contained in the MFN clauses of TCG's or MFS's interconnection agreements either. The Brooks agreement, however, does reference both busy line verification and emergency interrupt services as well as other operator assistance services. All operator assistance services were also requested and are offered under arbitrated rates, terms, and conditions in the AT&T interconnection agreement. The rates established for many of these operator assistance services in the AT&T arbitration agreement were those contained in existing Ameritech Michigan tariffs as well.

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<sup>78</sup>Ameritech Michigan's December 16, 1996 Submission of Information in Case No. U-11104, Attachment B, p. 35.

<sup>79</sup>Ameritech Michigan's Brief in Support of its Section 271 Application, p. 33.

<sup>80</sup>TCG's January 9, 1997 Comments in Case No. U-11104, Attachment A, Affidavit of Michael Pelletier.

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Ameritech Michigan's interconnection agreements with Brooks and AT&T provide for operator assistance services, and the rates established in the AT&T agreement were established in compliance with Section 252 of the Act. Brooks' MFN clause contains a separate provision for access to other providers' contracts or tariffs for operator call completion services. Although AT&T is not yet providing local service, the rates, terms, and conditions for those services from AT&T's agreement and as specified in existing tariffs appear to be available to Brooks under its MFN clause. It appears that compliance with the operator service provisions of this checklist requirement has occurred.

**H. Checklist Item (viii)**

**White pages directory listings for customers of the other carrier's telephone exchange service.**

This checklist item requires white page listings. Pursuant to the dialing parity requirements of Section 251(b)(3) of the Act, directory listings are required.

The actual scope, definitions, and requirements of this checklist item and interconnection agreement language were subjects in the arbitration of the AT&T case. The MPSC through its order in Cases Nos. U-11151 and U-11152 determined this checklist item's scope. Specifically, the decision in that case required the following:

Directories

Issues 22 and 23 of the arbitration panel's decision concern matters related to telephone directories. In Issue 22, the parties were unable to agree whether Ameritech Michigan's obligation pursuant to Section 251(b)(3) of the FTA, which requires nondiscriminatory access to directory listings, extends to both Ameritech Michigan's white and yellow pages directories. Additionally,

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the parties could not agree whether Ameritech Michigan has an obligation to deliver yellow pages directories to AT&T subscribers and whether AT&T has a right to have its customer contact information published in the informational pages at the beginning of Ameritech Michigan's directories. Issue 23 relates to whether AT&T should deal directly with Ameritech Michigan or the publisher of Ameritech Michigan's directories.

Subject to one exception, the arbitration panel adopted AT&T's positions on these issues. After reviewing Ameritech Michigan's objections to the arbitration panel's determinations, the Commission finds that two revisions are appropriate.

First, the Commission finds that the arbitration panel's determination regarding Section 15.1 of the interconnection agreement should be reversed. AT&T had proposed that primary listings of AT&T's customers should be included in Ameritech Michigan's white and yellow pages directories. Ameritech Michigan proposed that such listings should be limited to its white pages directories.

In Section 251(b)(3) of the FTA, a duty is imposed on all LECs to permit competitive providers to have nondiscriminatory access to directory listings. In Section 271(c)(2)(B)(viii), Congress indicated that a Regional Bell Operating Company (RBOC) can comply with the so-called competitive checklist requirements if its interconnection agreement includes a provision permitting the customers of competing carriers to have white pages directory listings in the RBOC directories. The Commission finds that Section 271(c)(2)(B)(viii) undermines AT&T's argument that the FTA requires Ameritech Michigan to permit access to both its white and yellow pages directories. Accordingly, Ameritech Michigan's position on Section 15.1 of the arbitration agreement should be adopted.

Second, the Commission finds that the arbitration panel's determination regarding Section 15.2.5 of the interconnection agreement should be reversed. The arbitration panel adopted AT&T's proposed language for this section. Ameritech Michigan argued that the FTA does not require Ameritech Michigan to deliver yellow pages directories to AT&T's customers. The Commission agrees. Because there is no obligation under either the FTA or the MTA requiring Ameritech Michigan to publish yellow pages directories, the Commission agrees that it should not compel Ameritech Michigan to distribute its yellow pages directories to the customers of competing LECs. Obviously, the parties are free to reach an agreement on this issue. Therefore, the Commission agrees with Ameritech Michigan that inclusion of AT&T's proposed language for Section 15.2.5 of the interconnection agreement should be rejected.

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However, the Commission is not persuaded that Ameritech Michigan's objection to the inclusion of information about AT&T services, including addresses and telephone numbers for customer service, in the informational pages at the beginning of Ameritech Michigan's white and yellow pages directories should be adopted. The arbitration panel recommended adoption of AT&T's proposed language. For the reasons stated in the panel's decision, the Commission agrees.<sup>81</sup>

In addition, the MPSC resolved objections related to yellow pages in the MFS agreement.<sup>82</sup>

Ameritech Michigan indicates it has agreements to have the customers of licensed competitive providers of basic local exchange service included in white pages directories published by Ameritech Michigan or its affiliates.<sup>83</sup> These providers are: Brooks, Climax Telephone, Frontier Telemanagement, Inc., LCI International, MCI Metro Access Transmission Services, Inc., MFS Intelenet, Inc., TCG Detroit, USN Communications, Inc., and WinStar Telecommunications.

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<sup>81</sup>MPSC's November 26, 1996 order in Cases Nos. U-11151 and 11152, pp. 14-16. Included in Volume 1.1 of Ameritech Michigan's Section 271 Application. Footnotes not included in quote.

<sup>82</sup>MPSC's December 20, 1996 order in Case No. U-11098. Included in Volume 1.3 of Ameritech Michigan's Section 271 Application.

<sup>83</sup>Ameritech Michigan's December 16, 1996 Submission of Information in Case No. U-11104, Attachment B, p. 38.



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Ameritech Michigan also indicates that it currently furnishes white pages listings to Brooks and MFS pursuant to their interconnection agreements.<sup>84</sup> It appears that Ameritech Michigan meets this checklist item.

**I. Checklist item (ix)**

**Until the date by which telecommunications numbering administration guidelines, plan, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After that date, compliance with such guidelines, plan, or rules.**

Ameritech Michigan is the current number administrator in Michigan. Ameritech Michigan has been providing access to telephone numbers at no cost pursuant to the MPSC's Order in Case No. U-10647.

Until new number administration guidelines, plans or rules are established, Ameritech Michigan will continue to assign central office codes (typically, the first three digits of a telephone number, referred to as an NXX) under existing industry guidelines (i.e., the Central Office Code Assignment Guidelines and the NPA Code Relief Planning Guidelines).<sup>85</sup>

The FCC Rules define nondiscriminatory access to telephone numbers. Among other things, the FCC requires every authorized provider of local telephone service, exchange access service, or paging service to have at least one NXX in an existing area code.<sup>86</sup>

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<sup>84</sup>Ameritech Michigan's Brief in Support of its Section 271 Application, p. 34, and Gregory J. Dunny's Affidavit pp. 47-48.

<sup>85</sup>Ameritech Michigan's December 16, 1996 Submission of Information in Case No. U-11104, Attachment B, p. 40.

<sup>86</sup>FCC's August 8, 1996 Second Report and Order in CC Docket 96-98, ¶71. Also, 47 C.F.R. 51.217.